



INSTRUCTIONS FOR A SHORELINE VARIANCE

This packet may be submitted for the following:

- For requesting relief where there are extraordinary circumstances relating to the physical character or configuration of property within the Shoreline Jurisdiction, as set forth in the Medina Shoreline Master Program

General Information

- A. A complete application is required at the time of submittal. Please answer all questions on the application clearly and completely.
- B. The City’s application form must be used, however, the project narrative and answers to the criteria questions may be submitted on a separate sheet of paper.
- C. A Notice of Complete Application or Notice of Incomplete Application will be issued within twenty-eight (28) days of submittal.
- D. A Shoreline Variance requires a hearing in front of the Medina Hearing Examiner.

Requirements

I. APPLICATION

- A. The following documents are required at the time of submittal, unless otherwise indicated. A complete application will include:
 - 1. Completed Shoreline Variance Checklist, Shoreline Variance Application and Declaration of Agency form
 - 2. Proof of ownership (copy of deed)
 - 3. Site Plan with the following:
 - a. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project;
 - b. Identification of the shoreline water body;
 - c. A general description of the property as it now exists, including physical characteristics and improvements and structures;
 - d. A general description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics;
 - e. Identification of the ordinary highwater mark:
 - i. This may be an approximate location; provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the mark’s location as indicated on the plans shall be included in the development plan;
 - ii. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;
 - f. Existing and proposed land contours with minimum two-foot elevation intervals;

- g. A general description of the character of vegetation found on the site;
 - h. The dimensions and locations of all existing and proposed structures and improvements;
4. A landscaping and/or restoration plan as applicable;
 5. Mitigation measures, as applicable;
 6. Quantity, source and composition of all fill material that is placed on the site, whether temporary or permanent;
 7. Quantity, composition and destination of all excavation and/or dredged material; and
 8. A site plan that clearly indicates where the development may occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
- B. State Environmental Policy Act (SEPA) checklist (if applicable)
- C. A word document formatted to Avery address labels containing the names of property owners and their mailing addresses for all properties within 300 feet or three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. See mailing labels information bulletin for further information.
1. Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.
- D. Any other perspective drawings, renderings, studies, or information the applicant feels is relevant to support the shoreline variance request.

Procedure

II. SHORELINE VARIANCE PROCESS

- A. Please submit the items listed above and any other information which may be required by the City at the time the application is filed.
- B. **MODIFICATIONS: Changes to an application that has already been submitted and noticed to surrounding property owners may trigger the application to be re-noticed.**
- C. Following receipt of the shoreline variance application, the City will review the application for completeness and either issue a Notice of Application which includes a public commenting period outlined in MMC 16.80.110(B)(7) or a Notice of Incomplete Application, listing the additional required documentation. Any comments that are received by the public will be forwarded to the applicant for response. A hearing will be schedule with the Medina Hearing Examiner and a Notice of Hearing will be posted, mailed, and published according to the general notice requirements in MMC 16.80.140 at least fifteen (15) days before the hearing date.
- D. **STAFF REPORT AND MEETING AGENDA**: A staff report and meeting agenda will be emailed to the applicant for review a week before the scheduled hearing.

III. PUBLIC HEARING

- A. The Hearing Examiner bases his/her decision on the information provided in the application and testimony given at the public hearing. Information provided to the applicant by City staff or consultants regarding previous actions shall in no way be construed to indicate what the Hearing Examiner's decision will be on a given application.
- B. At the public hearing all evidence for or against the application will be heard in the following order:
 - 1. The Hearing Examiner will introduce the requested application.
 - 2. Testimony will be heard as follows:
 - a. Staff
 - b. Applicant and/or their representatives.
 - c. Audience in attendance.
 - 3. Correspondence applicable to the case will be provided to the Hearing Examiner.
- C. Testimony must be related to the case being considered.

IV. DISPOSITION OF CASES

- A. The Hearing Examiner may be prepared to make a final determination on the case following the conclusion of the hearing or may continue the matter if sufficient reason for such action is found.
- B. Before any shoreline variance may be granted, the Hearing Examiner shall find that all of the following criteria are satisfied:
 - 1. Where the variance is for development landward of the ordinary high water mark the following criteria shall apply:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the Medina shoreline master program precludes, or significantly interferes with, reasonable use of the property;
 - b. That the hardship described in subsection (F)(1)(a) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Medina shoreline master program and will not cause adverse impacts to the shoreline environment;
 - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - e. That the variance requested is the minimum necessary to afford relief; and
 - f. That the public interest will suffer no substantial detrimental effect.
 - 2. Where the variance is for development waterward of the ordinary high water mark the following approval criteria shall apply:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the Medina shoreline master program precludes all reasonable use of the property;
 - b. That the hardship described in subsection (F)(2)(a) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

- c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Medina shoreline master program and will not cause adverse impacts to the shoreline environment;
 - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - e. That the variance requested is the minimum necessary to afford relief;
 - f. That the public interest will suffer no substantial detrimental effect; and
 - g. That the public rights of navigation and use of the shorelines will not be adversely affected.
3. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.
- C. The decision authority may attach such conditions as to prevent undesirable effects of the proposed development and to assure consistency of the development with the Shoreline Management Act and the Medina shoreline master program.
- D. The decision of the Hearing Examiner will be issued to City staff ten (10) working days from the public hearing. The decision is effective upon the date of decision. Notices of Decision will be mailed to applicants and other interested parties as soon as possible.

V. EXPIRATION

- A. An approved shoreline variance shall expire as set forth in WAC 173-27-090.



This checklist contains the minimum submission requirements for a shoreline variance that are due at the time of submittal. Please note that not all items listed may apply to your submittal.

COMPLETE APPLICATION

<input type="checkbox"/>	Shoreline Variance Checklist
	Complete Shoreline Variance Application: <input type="checkbox"/> Application form <input type="checkbox"/> Signature of applicant/agent <input type="checkbox"/> All questions answered in full
<input type="checkbox"/>	Declaration of Agency form
<input type="checkbox"/>	Proof of Ownership (copy of deed)
<input type="checkbox"/>	Site Plan with required information
<input type="checkbox"/>	Landscaping and/or restoration plan (if applicable)
<input type="checkbox"/>	Mitigation Measures (if applicable)
<input type="checkbox"/>	Quantity, source and composition of all fill material that is placed on the site, whether temporary or permanent (if applicable)
<input type="checkbox"/>	Quantity, composition and destination of all excavation and/or dredged material (if applicable)
<input type="checkbox"/>	A site plan that clearly indicates where development may occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
<input type="checkbox"/>	State Environmental Policy Act (SEPA) Checklist (if applicable)
	Mailing labels – Word doc formatted to Avery address labels <input type="checkbox"/> Mailing labels containing the names of property owners and their mailing addresses for all properties within 300 feet <u>or</u> three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. <input type="checkbox"/> Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.



DEVELOPMENT SERVICES

SHORELINE VARIANCE APPLICATION

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

Complete this form for the following:

- For requesting relief where there are extraordinary circumstances relating to the physical character or configuration of property within the Shoreline Jurisdiction, as set forth in the Medina Shoreline Master Program

General Information

Owner Name:

Property Address:

Legal Description:

Tax Parcel Number:

Check this box if this is a revision to an approved shoreline variance

Agent / Primary Contact

Name:

Email:

Contact Phone:

Alternative Phone:

Mailing Address:

City:

State:

Zip:

Property Information

Project Fair Market Value (include all phases for the next five years):

Other than Lake Washington, are there any critical area(s) located on the property (Ch. 16.67 MMC)?

YES NO

Will work occur in Lake Washington?

YES NO

Shoreline Environment Designation(s) [Check all that apply]:

- Residential
- Urban Conservancy
- Transportation
- Aquatic

See MMC 16.61.020

Please describe any known nonconforming conditions:

Please list known shoreline and zoning variances previously approved for this property:

Please provide a complete description of the proposed project (attach additional pages if necessary):

Approval Criteria

The following is the approval criteria for a shoreline variance. Please respond to each item by providing as much detailed information as possible to support your request. Attach additional pages if necessary.

1. If the development is landward of the ordinary high water mark, respond to the following approval criteria:

- a. That the strict application of the bulk, dimensional or performance standards set forth in the Medina Shoreline Master Program precludes, or significantly interferes with, reasonable use of the property
- b. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions
- c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Medina Shoreline Master Program and will not cause adverse impacts to the shoreline environment
- d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area

Approval Criteria (continued)

e. That the variance requested is the minimum necessary to afford relief

f. That the public interest will suffer no substantial detrimental effect

2. If the development is waterward of the ordinary high water mark, respond to the following approval criteria:

a. That the strict application of the bulk, dimensional or performance standards set forth in the Medina shoreline master program precludes all reasonable use of the property

b. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own action

c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Medina shoreline master program and will not cause adverse impacts to the shoreline environment

Approval Criteria (continued)

d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area

e. That the variance requested is the minimum necessary to afford relief

f. That the public interest will suffer no substantial detrimental effect

g. That the public rights of navigation and use of the shorelines will not be adversely affected

3. Please respond to the following for development both landward and waterward of the ordinary high water mark:

If the variance is granted, what might be the cumulative impact if additional requests for like actions in the area were also granted?

I certify under the penalty of perjury that I am the owner of the above property or the duly authorized agent of the owner(s) acting on behalf of the owner(s) and that all information furnished in support of this application is true and correct.

Signature_____ Owner Agent Date_____

Signature_____ Owner Agent Date_____